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NEWARK, N.J. 07102

August 10, 1967

Dear Attorney General Sills:

During the recent public controversy concerning the flyer prepared by the American Civil Liberties Union, in which appeared the name of The Newark Legal Services Project, I have refrained from issuing any public statements. There are, however, portions of the statements attributed to you or your office which I think should be clarified in the interests of fairness and accuracy.

Several weeks ago I wrote to Howard Kestin and explained to him NLSP's role with respect to the flyer. It was prepared at ACLU's office, and one of NLSP's attorneys was present at the time. (I originally believed that two NLSP attorneys were present, but I am now informed that only one was there). His presence may well have given ACLU the impression that it was permissible to use NLSP's name. In fact, however, we have a firm policy against the use of our name without our approval, and when we found that the flyer was being distributed, we asked that its use be discontinued. As far as I know, ACLU then stopped using the flyer.

We requested its discontinuance because it is not the kind of literature we generally use, because the language, in our opinion, was unpolished, and because we had not given our prior approval. I want to emphasize, however, that in light of the circumstances (which I will describe in more detail), I personally do not believe that the flyer was inflammatory or that it was designed to solicit legal business. As I read it, it was designed to let people know that they could bring evidence of unlawful actions by law enforcement personnel to ACLU or NLSP. At the time the flyer appeared, NLSP, at least, had an overabundance of people bringing in complaints of such actions.

Before describing the circumstances in which the flyer was issued, I want to point out that in the New York Times

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Article, Deputy Attorney General Joseph Hoffman attacked ACLU (and by implication MLSP) for issuing a leaflet headed "Help Stop Police Brutality." MLSP had nothing to do with that leaflet, and I am informed that ACLU likewise had nothing to do with it. To confuse that document with the other is either irresponsible or careless, and I think your office should clarify that situation right away.

As to the circumstances of the issuance of ACLU's flyer:

As you must know, on the first day of the riot, MLSP turned over all of its staff attorneys and law students to the service of the State in meeting the problems created by the riot. In addition, it recruited numerous volunteer attorneys. These people were on hand day and night, week day and weekend throughout the crisis. MLSP also remained a link between the people living in the ghetto and the rest of the community, and it was asked to handle innumerable emergency problems of the people in the area.

Our Administrator, Oliver Lofton, was designated by Governor Hughes to act as a liaison between the Negro community and himself. Our attorneys first worked for the Public Defender to enable him to handle the work in the Magistrates Court. Our attorneys and students then conducted the interviews of prisoners at the various places of confinement so that the judges could determine which should be released. One of our attorneys was asked to supervise a similar release program in Union County and in Jersey City. We have continued to make ourselves available upon the request of the Courts and the Public Defender.

On Sunday morning, July 16th, a serious community crisis arose, as people in very great numbers poured into MLSP's office and into the UCC headquarters to report widespread unlawful conduct by law enforcement personnel against the persons and property of Negroes. Similar reports came from two other sources. Negro people attending church gave such information to their ministers. In particular, I would refer you to The Rev. Kim Jefferson, Executive Director of the Greater Newark Council of Churches, and to

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The Rev. Ledlie Laughlin, Dean of Trinity Cathedral. In addition, a group of Negro civic and business leaders organized by Dr. Reynold Burch, a highly respected physician, received detailed, first-hand reports of such conduct.

I was present at NLSP's offices throughout the riot period. I listened to a number of the people who had brought in first-hand accounts of unlawful police behavior. At that time I read many of the statements and examined exhibits, and since then I have examined all of the data brought to us. There was and is no doubt in my mind that serious misconduct by law enforcement personnel had taken place and that as a result on that Sunday terrible new tensions were being created in the Negro community. To state, as you did, that NLSP was prejudging the situation is neither fair nor accurate. People came to us with serious problems based upon solid factual data, and, as lawyers, we are trying to help them with those problems.

Two steps were taken to meet this situation. First, Oliver Lofton and various community leaders reported the facts to the Governor, taking with them a few of the written statements we had received. Second, NLSP informed the people and groups who came to it that if NLSP were given the facts in usable form, it would make every effort to bring to bear upon the problem all the remedies of the law.

We were faced with a situation where countless people were losing faith in the effectiveness of the law to protect them and, in substance, we told them that the Courts and the procedures of the law were available to them if they wanted to use them. Long before ACLU's flyer was prepared, many individuals and several groups came to us (and also to ACLU) for help, and our continued effort to develop the facts is designed to enable us to provide that help.

I am at a loss to understand your statement that, "If anybody is looking for justice, their charges should be brought to the proper authorities rather than to persons who will use them for their own purposes." If NLSP is not available to assist the poor of Newark to find justice, then I don't know what its purpose is.

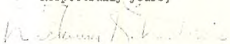
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As I mentioned, we have received many complaints of improper law enforcement. We are assembling the facts, and we shall represent those who came to us for help to the best of our ability. As you know, many remedies are available, and we shall have to determine which ones will be the most effective. We shall certainly want to refer information to appropriate authorities, and already several matters have been referred to the F.B.I.

I realize that the immediate problems of restoring order in Newark were overwhelming and required the complete attention and energies of your office. Nevertheless, I would suggest that those of us who are devoting our time, money and professional talents trying to represent those who have no one else to speak for them are also serving the cause of justice.

If any phase of NLSP's operations gives you concern, I would be delighted to discuss it with you.

Respectfully yours,



Honorable Arthur J. Sills  
State House Annex  
Trenton, New Jersey